

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JUDITH FONSECA

v.

C.A. NO: 04-11870 WGY

MAXI DRUG, INC. d/b/a  
BROOKS PHARMACY


**MEMORANDUM OF LAW IN SUPPORT OF  
DEFENDANT'S MOTION TO COMPEL  
PLAINTIFF'S DOCUMENT PRODUCTION**

Defendant, Maxi Drugs, Inc. d/b/a Brooks Pharmacy, in the above-entitled action and pursuant to Fed. R. Civ. P. 37 and Local Rules 7.1 and 37.1, hereby submits this memorandum of law in support of its motion to compel the Plaintiff to provide responses to requests for production of documents which were propounded to Plaintiff on November 12, 2004. Plaintiff has been granted extensions of time. As of the filing of this motion, Plaintiff has failed to provide responses to requests for production of documents.

On May 13, 2005, the undersigned sent Plaintiff's counsel a letter requesting a discovery conference pursuant to Local Rule 37.1(A). Plaintiff's counsel's secretary responded by telephone indicating that the discovery responses would be provided by no later than June 3, 2005. No other attempt to arrange for a discovery conference was made by Plaintiff's counsel. Accordingly, Defendant moves to compel the Plaintiff to provide responses to requests for production of documents.

**WHEREFORE**, Plaintiff should be compelled to provide responses to requests for production of documents within twenty (20) days of this Court's determination of the motion.

Defendant  
Maxi Drug, Inc. d/b/a Brooks Pharmacy  
By its Attorneys:

  
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**CERTIFICATION**

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I hereby certify that a true copy of the within was served by mail <sup>and facsimile</sup> upon counsel of record,  
as above, on the 14<sup>th</sup> day of June, 2005.

